

**CHARTER TOWNSHIP OF DELTA**  
Public Meeting Room A  
Delta Township Administration Building  
7710 West Saginaw Highway  
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR  
MONDAY, December 2, 2013**

**I. CALL TO ORDER**

**II. OPENING CEREMONIES – Pledge of Allegiance**

**III. ROLL CALL**

Members Present: Trustee Dennis Fedewa, Trustee Jeff Hicks, Trustee Doug Kosinski, Trustee Karen Mojica, Clerk Mary Clark, Treasurer Howard Pizzo and Supervisor Kenneth Fletcher.

Members Absent:

Others Present: Community Development Director Mark Graham, Township Planner Chris Gruba, Economic Development Coordinator Ed Reed, Fire Chief John Clark, Assistant Fire Chief Mike Roman, Lieutenant Jeff Campbell, Finance Director Jeff Anderson, Sheriff Tom Reich, Captain Jon Warder, Deputy Manager Jenny Roberts and Township Manager Richard Watkins.

**IV. PRESENTATIONS AND PROCLAMATIONS**

**1. Resolution**

- a. Deputy Fillion and K9 Rusty – Supervisor Fletcher stated prior to police dog Rusty's death, he was a valued team member and presented the following resolution to Deputy Fillion.

*Whereas, Deputy Dan Fillion and K9 Rusty have served the Eaton County Sheriff's Department Delta Patrol as a team since April 2005; and*

*Whereas, Deputy Dan Fillion and K9 Rusty lived, trained, and served together until the death of K9 Rusty on September 18, 2013; and*

*Whereas, Deputy Dan Fillion and K9 Rusty conducted hundreds of successful narcotics and article searches, as well as building searches, for agencies all over the Tri-County area, resulting in over \$100,000 worth of narcotics seizures and drug-related forfeitures; and*

*Whereas, Deputy Dan Fillion and K9 Rusty conducted suspect searches that resulted in the apprehension of numerous criminal suspects; and*

*Whereas, Deputy Dan Fillion and K9 Rusty were very active in the community where they appeared at community events frequently and conducted hundreds of public illustrations; and*

*Whereas, K9 Rusty faithfully protected his partner Deputy Dan Fillion and other Deputies during encounters with potentially violent suspects on numerous occasions; and*

*Whereas, Deputy Dan Fillion and his partner K9 Rusty were well-known and respected as a hardworking, dedicated, loyal and committed patrol team.*

*Now, Therefore, be it resolved that the Delta Township Board of the Charter Township of Delta is indeed appreciative of Deputy Dan Fillion and K9 Rusty and wishes to recognize their outstanding contributions and community service to the residents of Delta Township.*

*Presented this second day of December 2013.*

Sheriff Tom Reich also presented a plaque to Deputy Fillion on behalf of the Eaton County Sheriff's Office in honor of K9 Rusty.

**2. Life Saving Award**

- a. Lisa Leverett – Fire Chief John Clark presented Lisa Leverett with a Life Saving Award for her extraordinary efforts at Applebee's restaurant assisting a choking victim.

**3. Badge Pinning**

- a. Assistant Fire Chief Mike Roman stated Kelby Leiby was promoted from Firefighter/Paramedic to Engineer and invited his wife Donna to pin him.
- b. Kenway Hensley – was not able to be present.
- c. Fire Chief John Clark state that Toby Grantham was moved from part time to full time and invited his wife Jen and son Colton up to pin him.

**V. SET/ADJUST AGENDA**

TREASURER PIZZO MOVED TO APPROVE THE AGENDA AS SUBMITTED.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

**VI. PUBLIC HEARINGS**

**VII. COMMUNICATIONS**

**VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA (*maximum two minutes*)**

**IX. INTRODUCTION OF ORDINANCES**

**X. PASSAGE OF ORDINANCES**

**4. Adoption of Zoning ordinance Amendments, Non-Conforming Uses, Buildings & Structures, Case No. 10-13-19.**

TRUSTEE MOJICA MOVED THAT THE DELTA TOWNSHIP BOARD AMEND SECTIONS 24.1.0, 24.2.0, AND 24.3.0 OF THE DELTA TOWNSHIP ZONING ORDINANCE WHICH PERTAIN TO NON-CONFORMING USES, STRUCTURES AND BUILDINGS. THE PROPOSED AMENDMENTS ARE IDENTIFIED AS CASE NO. 10-13-19. FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENTS IN LOCAL NEWSPAPERS AND THE AMENDMENTS SHALL BECOME EFFECTIVE UPON PUBLICATION.

TRUSTEE HICKS SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE MOJICA, TRUSTEE HICKS, TRUSTEE KOSINSKI, TREASURER PIZZO, TRUSTEE FEDEWA, CLERK CLARK AND SUPERVISOR FLETCHER.

NAYS: NONE

MOTION PASSED 7-0.

**5. Adoption of amendments to the Delta Township Fire Prevention and Protection Ordinance, Chapter 16, article II.**

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD AMEND THE DELTA TOWNSHIP FIRE PREVENTION AND PROTECTION ORDINANCE, CHAPTER 16, ARTICLE II, BY ADOPTING THE INTERNATIONAL FIRE CODE, 2012 EDITION IN ITS ENTIRETY, AND THE DELTA TOWNSHIP FIRE DEPARTMENT SUPPLEMENTAL RULES AND REGULATIONS, AND

FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENTS IN LOCAL NEWSPAPERS AND THE AMENDMENTS SHALL BECOME EFFECTIVE UPON PUBLICATION.

TRUSTEE MOJICA SUPPORTED THE MOTION.

ROLL CALL:

AYES: TREASURER PIZZO, TRUSTEE MOJICA, CLERK CLARK,  
TRUSTEE KOSINSKI, TRUSTEE HICKS, TRUSTEE FEDEWA  
AND SUPERVISOR FLETCHER.

NAYS: NONE

MOTION PASSED 7-0.

**XI. CONSENT AGENDA –**

Trustee Fedewa requested removal of item #8 Boards and Commissions  
Reappointments.

TRUSTEE FEDEWA MOVED TO ADOPT THE CONSENT AGENDA AS  
ADJUSTED.

TREASURER PIZZO SUPPORTED THE MOTION.

ROLL CALL:

AND AYES: TRUSTEE FEDEWA, TREASURER PIZZO, CLERK CLARK,  
TRUSTEE KOSINSKI, TRUSTEE MOJICA, TRUSTEE HICKS  
SUPERVISOR FLETCHER.

NAYS: NONE

MOTION PASSED 7-0.

**6. Bills and Financial Transactions - \$1,296,736.88**

Bond/Debt Payments

Investments

Payroll & Related 305,617.35

Refunds 1,391.26

Tax Distributions 46,164.25

Vendor Claims 943,564.02

Total \$ 1,296,736.88

TRUSTEE FEDEWA MOVED THAT THE BILLS & FINANCIAL  
TRANSACTIONS BE APPROVED IN THE AMOUNT OF \$1,296,736.88..

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

**7. Minutes**

November 18, 2013 Regular Board Meeting Minutes

TRUSTEE FEDEWA MOVED THAT THE NOVEMBER 18, 2013 REGULAR BOARD MEETING MINUTES BE APPROVED AS SUBMITTED.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

**9. Recommendation to Approve a Police Protection Service Agreement with the Eaton County Sheriff's Department.**

TRUSTEE FEDWA MOVED TO APPROVE THE TEN YEAR POLICE PROTECTION SERVICES AGREEMENT WITH THE EATON COUNTY SHERIFF'S DEPARTMENT.

**POLICE PROTECTION SERVICES AGREEMENT**

This Agreement made and entered into this 2nd day of December, 2013, between Delta Charter Township, a charter township organized and operating under the Charter Township Act, MCLA 42.1, *et. seq.*, as amended, with principal offices located at 7710 West Saginaw Highway, Lansing, Michigan 48917 (the "Township") and the County of Eaton, a Michigan municipal corporation, with the principal offices located at 1045 Independence Boulevard, Charlotte, Michigan 48813 (the "County").

**WHEREAS**, the Township desires to obtain police protection services from the County; and

**WHEREAS**, the County desires to provide to the Township police protection services;

**WHEREAS**, the Township and the County enter into this Agreement to memorialize the terms and conditions upon which the County shall provide to the Township police protection services.

**THE PARTIES AGREE AS FOLLOWS:**

1. **Term.** This Agreement shall be for a ten (10) year period, subject to the provisions contained in Paragraph 7 of this Agreement. This Agreement will commence on October 1, 2014 and end on September 30, 2024.

## **2. Contract Price**

2.1. For the period October 1, 2014 through September 30, 2024, the method of computation for the amounts to be paid by the Township to the County is detailed in Schedule A. The amounts due under this Agreement may increase or decrease in the event changes are made as provided in Section 3.2 below. The parties will meet to discuss implementation of the use of Taxable Value in the formula, rather than State Equalized Value, beginning in the contract year 2019.

## **3. Services to be Provided by County**

3.1. The County agrees to provide police protection within the boundaries of the Township, and General Motors 425 Area with the City of Lansing, said protection to consist of the enforcement of State Statutes and the Township Ordinances, including the issuance of tickets. For the purpose of performing such functions, the County shall furnish and supply patrol officers and all supervision, equipment, computers, communication facilities and other necessary supplies needed in order to perform such services. This includes all insurance, liability insurance and other protection of benefits of whatever nature. Notwithstanding anything heretofore contained, it is agreed that in all instances where special supplies, such as stationery, notices, forms, appearance tickets, and the like, needed to be executed in the name of the Township shall be required, they shall be supplied by the township at its cost and expense.

3.2. The Eaton County Sheriff shall assign thirty-five (35) Deputy Sheriffs (which include five (5) Sergeants and one (1) Lieutenant), two (2) full time clerks, and fourteen (14) vehicles to provide police protection in the Township in accordance with the schedule to be prepared from time to time by the Eaton County Sheriff. Five of the Deputies (including one assigned the duties of weighmaster) shall be paid in full by the Township and not subject to the contractual formula stated. The schedule as prepared shall be made available to the Township Manager. By mutual agreement of the parties hereto, the number of patrol officers or vehicles may be increased or decreased and any adjustment of the cost of the services provided shall be made on a cost basis following the affixed method of computation.

3.3. The standards of performance, the discipline of patrol officers and other matters incident to the performance of such services and the control of patrol officers so assigned to provide such service shall remain in the County. However, the standards of performance shall not be lower than furnished to other townships in Eaton County, nor shall the caliber and ability of the patrol officers, supplies and equipment be lower than that furnished to other townships in Eaton County.

3.4. The County agrees to provide insurance against any

liability from the performance of said police officers and to hold the Township harmless from any and all expenses and liabilities arising out of the providing of such police protection. The Township shall be a named additional insured on the insurance policy mentioned above.

4. **Payment.** The Township shall pay a proportionate share of the amount set forth in Paragraph 2.1 above at the end of each calendar month of the period during the life of this Agreement.

5. **Substation.** The Township shall be responsible for providing space for a substation where the County will provide the services required under this Agreement. The Township shall maintain this space and pay the cost when due of all water, sewage, gas and electrical services. The County shall be responsible for providing and paying for telephone, fiber optic and other costs related to its equipment, computers and communication facilities.

6. **Examination of Records.** Subject to applicable laws, the Township officials shall have the right to review, such of the logs or records of the Eaton County Sheriff as shall relate to activities of the Deputies provided hereunder in the Township.

7. **Termination.** This Agreement may be terminated by either of the parties hereto provided a notice in writing shall be given one (1) year in advance.

8. **Non-Waiver of Immunity, Rights and Defenses.** By signing this Agreement, neither the Township nor the County waive their respective governmental immunity nor any defenses available to them or their elected or appointed officers, employees or volunteers under the Michigan Governmental Immunity Act, being Public Act 170 of 1964, as amended, MCL 691.1401, *et seq.*, the Michigan Public Health Code, being Public Act 368 of 1978, as amended, MCL 333.1101, *et seq.*, or any other defenses which may be available to the Township or the County, their elected or appointed officers, employees or volunteers.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on behalf of their respective governmental entity on the date set forth below.

**WITNESSES:**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES:**

\_\_\_\_\_  
\_\_\_\_\_

**DELTA CHARTER TOWNSHIP**

By: \_\_\_\_\_  
Kenneth R. Fletcher  
Its: Supervisor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Mary R. Clark  
Its: Clerk

Dated: \_\_\_\_\_

**COUNTY OF EATON**

By: \_\_\_\_\_  
Blake Mulder  
Its: Chairperson

Dated: \_\_\_\_\_

**EATON COUNTY BOARD  
OF COMMISSIONERS**

By: \_\_\_\_\_  
Diana Bosworth  
Its: Clerk

Dated: \_\_\_\_\_



## **SCHEDULE A**

### **METHOD OF COMPUTATION OF COSTS CHARTER TOWNSHIP OF DELTA POLICE PROTECTION SERVICES AGREEMENT**

**STEP 1:** Each year of the Agreement compute the proposed cost of personnel (wages and benefits).

**STEP 2:** Compute the cost of operating and capital items for that year, which includes the following:

- A. Supplies.
- B. Other Services and Charges.
- C. Capital Outlay.

**STEP 3:** From the grand total of personnel costs and miscellaneous item cost, subtract the following for the year in question:

- A. State of Michigan Liquor License revenue for Delta Township.
- B. Proceeds from the sale of patrol vehicles purchased for use at the Delta Township Sub-station.

**STEP 4:** Once Step #3 has been completed, multiply the remainder by fifteen percent (15%) which represents the Supportive Service Fee.

**STEP 5:** When Step #4 has been completed, add the Supportive Service Fee to the Grand Total of Personnel Cost and Miscellaneous Items Cost, minus the Liquor Funds and Vehicle Funds.

**STEP 6:** Upon completing Step #5, multiply this amount by the greater of the Township's State Equalized Valuation Credit (SEVC) of 34.98 (for 2013) or the current year of the Contract SEVC, which SEVC shall be determined as the Township's actual SEV as a percentage of the County's total actual SEV.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

**10. 2014 Employee health Insurance Plan Recommendation**

TRUSTEE FEDEWA MOVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA ADOPT THE PHYSICIANS HEALTH PLAN PPO PLAN #DWH01500 FOR THE 2014 PLAN YEAR BEGINNING 1/1/2013;

AND I FURTHER MOVE THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE A ONE-TIME ONLY DEPOSIT INTO AN ACTIVE CHASE BANK HSA ACCOUNT FOR FULL-TIME EMPLOYEES AND NON-MEDICARE ELIGIBLE RETIREES WHO ENROLL IN THE PLAN EFFECTIVE JANUARY 1, 2014 OF \$750 FOR A ONE-PERSON CONTRACT AND \$1,500 FOR A TWO OR MORE PERSON CONTRACT EFFECTIVE THE FIRST PAY PERIOD IN JANUARY, 2014.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

**11. Recommendation to Change Flexible Spending Administrator**

TRUSTEE FEDEWA MOVED THE TOWNSHIP BOARD APPROVE AMERICAN FIDELITY ASSURANCE COMPANY TO ADMINISTER THE SECTION 125 FLEXIBLE SPENDING PLAN EFFECTIVE JANUARY 1, 2014;

AND FURTHER, AUTHORIZE THE TOWNSHIP MANAGER TO SIGN ANY AGREEMENTS BETWEEN DELTA TOWNSHIP AND AMERICAN FIDELITY ASSURANCE COMPANY, TO BE DRAFTED UPON APPROVAL OF THE RESOLUTION AND TO BE EFFECTIVE JANUARY 1, 2014.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

**12. Health Insurance Waiver Recommendation**

TRUSTEE FEDEWA MOVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA CHANGE THE AMOUNT OF THE INSURANCE WAIVER PAYOUT TO \$3,000.00 PER YEAR FOR ALL FULL-TIME EMPLOYEES WHO ELECT TO WAIVE HEALTH INSURANCE COVERAGE TO BE EFFECTIVE JANUARY 1, 2014. THIS PAYMENT WOULD BE PRO-RATED WITH PAYMENTS OF ½ THE TOTAL

ALLOTMENT PAID ON THE PAYDAY CLOSEST TO BUT BEFORE EACH  
JUNE 30 AND DECEMBER 31 OF THE SELECTED PLAN YEAR.

I FURTHER MOVE THAT THE EMPLOYEE MANUAL, CHAPTER 4,  
SECTION 2A BE REVISED TO INCLUDE THIS RESOLUTION.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

### **13. 2014 Calendar of Meetings**

TRUSTEE FEDEWA MOVED TO ADOPT THE 2014 CALENDAR OF  
MEETING DATES AS PRESENTED.

The Township Board's regular meetings will be held at 6 p.m. in Public Meeting Room A  
as follows:

January 6 and 21 (Tu.)	July 7 and 21
February 3 and 17	August 4 and 18
March 3 and 17	September 2 (Tu.) and 15
*April 21	October 6 and 20
May 5 and 19	*November 17
June 2 and 16	December 1 and 15

\*No Board meeting will be scheduled on first Monday in April (April 7) or first Monday in  
November ( November 4).

The Township Board's Committee of the Whole meetings will be held at 6 p.m. in Public  
Meeting Room B as follows:

January 13	July 14
February 10	August 11
March 10	September 8
April 14	October 13
May 12	November 10
June 9	December 8

The Planning Commission will meet on the second and fourth Mondays of each month at  
7 p.m. in Public Meeting Room A:

January 13 and 27	July 14 and 28
February 10 and 24	August 11 and 25
March 10 and 24	September 8 and 22
April 14 and 28	October 13 and 27
May 12 and 27(Tu.)	November 10 and 24
June 9 and 23	December 8

**Zoning Board of Appeals and Sign Board of Appeals** will meet on the second Tuesday of each month at 6:00 p.m. in Public Meeting Room A as follows:

January 14	July 8
February 11	August 12
March 11	September 9
April 8	October 14
May 13	November 11
June 10	December 9

The **Parks, Recreation & Cemeteries Commission** will meet at 6:00 p.m. in Conference Room B on the first Thursday of each month on following dates: January 2, February 6, March 6, April 3, May 1, June 5, July 10, August 7, September 4, October 2, November 6 and December 4.

\*The Parks, Recreation & Cemeteries Commission July meeting will be held on the second Thursday (July 10) due to the July 4<sup>th</sup> Holiday.

The **Township Board of Review** will meet the second Monday in March at 9:00 a.m., the Tuesday following the 3<sup>rd</sup> Monday in July, and the Tuesday following the 2<sup>nd</sup> Monday in December.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

## **XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION**

### **8. Boards and Commissions Reappointments**

The Township Supervisor recommends the reappointment of Walt Kulasa as the Township's Noxious Weeds Commissioner and the reappointment of John Hanieski to the Economic Development Corporation Board.

Trustee Fedewa stated that he couldn't say enough good things about Mr. Haneiski and the things he does for the community and in his civic interest. That as a matter of procedure notes that there is no application for appointment to the EDC commission. Supervisor Fletcher noted that at time of expiration of a current serving member, a letter of interest is all that is required.

Trustee Fedewa suggested that there be a cross dialogue between the Board, Planning and EDC Commissions to ensure that the all possible tools are utilized effectively to work within the Township Strategic Plan.

Supervisor Fletcher that Manager Watkins serves on the EDC Commission and noted that the referenced cross dialogue is occurring however, that he wasn't

opposed to more communication and that all commission and board members always have an open invitation to the Board Meetings.

Treasurer Pizzo noted that the commission and Board meetings are at different times. Manager Watkins stated that his intention is to ensure that the consultant working with the Township works with all of the pertinent people prior to making recommendations.

Trustee Hicks stated that in some instances making a calendar entry for that purpose can sometimes signal more participation.

TRUSTEE FEDEWA MOVED TO APPROVE THE NOMINATIONS OF JOHN HANIESKI TO THE ECONOMIC DEVELOPMENT CORPORATION COMMISSION AND OF WALT KULASA AS THE NOXIOUS WEED COMMISSIONER.

TRUSTEE HICKS SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

### **XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA**

### **XIV. ITEMS OF BUSINESS**

#### **14. Final consideration of Bennett Special Land Use Permit Request for Case # 10-13-17.**

Treasurer Pizzo requested an overview, Planner Chris Gruba stated this is a request for a Special Land Use Permit to allow D & K Trucking to have a repair and sales facility – selling cabs/trucks only not trailers. The request came before the Planning Commission on November 11, 2013, the Planning Commission unanimously voted to approve. There were many residents surrounding the old Starlight drive in site at that meeting that voiced concern over noise, traffic and screening. The property is zoned as B2 which is trucking facility, Planner Gruba notes that the owner is present – Ed Bennett.

After tonight the owner intends to seek 3 variances, related to landscaping on the site. There is also before the Board tonight a sidewalk variance. Planner Gruba stated that if all requests come back approved, the proposal would return to the Planning Commission for approval of the site itself. The owner hopes to commence construction in April.

Trustee Fedewa asked whether there were elevation plans yet or graphics, Planner Gruba confirmed that currently just a bird's eye view.

Clerk Clark confirmed that the property wasn't being rezoned, Planner Gruba concurred.

Trustee Fedewa asked why a SLUP is required and Planner Gruba stated that the zoning ordinance that truck repair facilities and auto dealerships require a SLUP in this commercial zoning.

Economic Development Coordinator Ed Reed stated that there is a team present to speak about the project. Mr. Jeff Kyes from KEBS Engineering, Ed Bennett and one of his colleagues, Brian True a realtor that has been involved in the process along with his associate Andy Kline of Rand Construction. EDC Coordinator Reed states the owner has used precautions to use extensive setbacks, D & K trucking's two largest customers are here in the Township; NTB Truck and Meijer Distribution Center.

Supervisor Fletcher asked if the team would like to give a presentation. Mr. Kyes, P.E. Vice President, Engineering described the process that the company has been through thus far. The landscaping plan is not complete but they anticipate requesting some adjustment to the landscaping requirements to make use of existing trees.

Mr. Ed Bennett stated that D & K Trucking has done business in Lansing since 1948 and have outgrown their current location of 2 ½ acres and be closer to their 2 largest customers.

CLERK CLARK MOVED THE DELTA TOWNSHIP BOARD APPROVE THE REQUEST FOR A SPECIAL LAND USE PERMIT FOR A TRUCK REPAIR AND SALES USE ON THE PROPERTY DESCRIBED IN CASE NO. 10-13-17 FOR THE FOLLOWING REASONS:

1. THE REQUEST IS CONSISTENT WITH THE PROVISIONS OF THE DELTA TOWNSHIP COMPREHENSIVE PLAN AND THE ZONING ORDINANCE.
2. THE REQUEST CAN BE OPERATED SUCH THAT IT IS COMPATIBLE WITH SURROUNDING LAND USES.

THE SPECIAL LAND USE PERMIT IS APPROVED SUBJECT TO THE FOLLOWING 3 STIPULATIONS:

1. MDOT AND THE EATON COUNTY ROAD COMMISSION MUST APPROVE OF THE CHANGES TO LANSING ROAD AND SNOW ROAD RESPECTIVELY.
2. THE EXISTING TREES WITHIN THE LANDSCAPE BUFFER STRIP NEXT TO ADJACENT SINGLE FAMILY RESIDENTIAL SHALL REMAIN IN PLACE.

PER THE ZONING ORDINANCE, THIS LANDSCAPE BUFFER MUST BE AT LEAST 30 WIDE, FOLLOWING THE IRREGULAR PROPERTY LINE ON THE WEST SIDE OF THE PARCEL.

3. FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE ZONING ORDINANCE, DECISIONS BY THE ZONING BOARD OF APPEALS, OR ANY STIPULATIONS REQUIRED BY THE DELTA TOWNSHIP BOARD, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THIS PERMIT BY THE TOWNSHIP BOARD.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

**15. D & K Truck Company – Sidewalk Variance**

Planner Gruba stated the sidewalk report is divided into 3 parts; Old Lansing Road (620 ft.), Lansing Road (1,400 ft.) and Snow Road (460 ft.) which totals just shy of ½ mile.

Supervisor Fletcher confirmed that the Non-Motorized Transportation Plan doesn't call for sidewalks to be on Lansing Road or Snow Road, but are required at some point on Old Lansing Road. Planner Gruba stated that the plan currently calls for sidewalks on Old Lansing Road sometime beyond the year 2022, but could be done prior.

Treasurer Pizzo states that at this time it is unknown what side of the road the sidewalk will be placed and that forcing installation at this time may be premature.

Trustee Hicks questioned at what point it would be appropriate. That the property transfers with whomever owns it for whatever purpose. Trustee Hicks notes that while the Lansing Road and Snow Road perimeter he can understand, the Old Lansing Road section may very well be that side of the road.

Clerk Clark asked whether a stipulation was added to the effect that if and when sidewalks are added on Old Lansing Road, would that then also transfer to a future owner. Trustee Hicks stated that he would doubt that this could be done. Manager Watkins stated that he believe that this has been done in the past but cannot recall where.

Trustee Hicks stated that the delayed application of the sidewalk or non-enforcement of the ordinance should be approached with caution as it could be precedent setting.

Trustee Fedewa suggested doing an acquisition of an easement which creates a secured property interest that is attached to the property.

Clerk Clark stated that if the sidewalks are not done as a part of this package it becomes a cost to the Township.

Trustee Hicks stated that an easement wouldn't divest the ownership of the property from the fee title holder, so the same person still owns the property.

Trustee Fedewa stated that he understands the cost issue, and installing a sidewalk to no-where as well as the question of when do you start that Trustee Hicks raised. However, it appears that this property is at a T intersection in the Non-Motorized Plan adjacent to the access road for Anderson Park and that he believes there is a long term plan to have a trail or access along Old Lansing Road and would ask the Board to exercise caution to ensure future access to that park.

Trustee Kosinski stated that apart from the cost of constructing the sidewalk and in review of the summary of materials, that another reason listed on the request for the variance is the sidewalk would require removal of significant existing screening material. Trustee Kosinski asked whether any remediation measures have been examined to take care of both the issues at the same time as well as whether costs associated with the installment of sidewalks would be at this time.

Planner Gruba stated that sidewalks are usually placed in the road right of way not on private property. Most of the vegetation is within the road right of way and believes that much of it would be removed. That although the site plan is not complete for the landscaping, there is a greenbelt requirement which is one tree every 40 feet, and one shrub every 10 feet and this would be for all 3 roads. That is the only vegetation that would be required by the code on private property.

Planner Gruba stated that in terms of cost per linear foot of sidewalk deferred to Community Development Director Mark Graham who stated there is approximately 628 feet of frontage along Snow Road @ \$20.00 per foot, an estimate would be \$13,000. That figure doesn't include ramps, domes or many other issues such as grading. The cost on Lansing Road was over \$29,000. Trustee Hicks noted that the cost seems negligible compared to the cost of the overall project.

Trustee Kosinski shared the voiced concern of others regarding tying into the long term plan of the Non-Motorized Plan, as well as the concern that if they are not built now, they may never be built. Trustee Hicks stated that he would like to consult legal counsel and questioned whether requiring a surety and depositing that for future building of the sidewalk. He stated that this would preserve the



existing screening and that the property owner would not have the concern of maintenance of the sidewalk immediately. This would require Mr. Bennett to fund that account today as a surety amount that would not be dollar for dollar.

Supervisor Fletcher suggested that perhaps this should be tabled until the next Board Meeting so that some of these possible solutions can be reviewed. Community Development Director Graham stated that it appears there is support to grant the variance for Lansing Road and Snow Road and would suggest that motions could be drafted supporting those variances and draft something regarding the surety for Old Lansing Road. Treasurer Pizzo asked Community Development Director Graham whether there was a problem with the easements for the sidewalk on the South side of Lansing Road. Director Graham stated that an analysis was done and stated that the North side of the road had twice as many properties and driveways, and power poles. The preliminary reports were to recommend the south side, which is where the attractions are, Woldumar, Anderson Park, and connection with the City of Lansing River Trail. However there are wetland and grade issues as well as others on the south side of the road. Director Graham stated that Old Lansing Road was designated as a Trunk Line to Indianapolis so the Township has a right of way possibly exceeding 100 feet which is much more than is typically available.

TRUSTEE HICKS MOTIONED TO POSTPONE ACTION UNTIL THE NEXT REGULARLY SCHEDULED BOARD MEETING DECEMBER 16, 2013.

TRUSTEE FEDEWA SUPPORTED.

MOTION PASSED 7-0.

**16. Recommendation to Purchase High Speed Turbo Blower for the Wastewater Treatment Plant.**

TRUSTEE MOJICA MOVED THAT DELTA CHARTER TOWNSHIP ACCEPT THE PROPOSAL FROM AERZEN USA CORPORATION FOR FURNISHING AND DELIVERING ONE (1) HIGH SPEED TURBO BLOWER, IN ACCORDANCE WITH THEIR PROPOSAL DATED NOVEMBER 18, 2013, IN THE AMOUNT OF \$81,900.00.

I FURTHER MOVE THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO SIGN THE NECESSARY DOCUMENTS RELATED TO THE PURCHASE OF THE HIGH SPEED TURBO BLOWER.

CLERK CLARK SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

#### **XV. MANAGER'S REPORT**

- Manager Watkins stated the Township is under discussion with the Looking Glass Fire Authority with regard to 2014 agreement for review of the current contract which is in effect until 2017 to measure the effectiveness of the formula. The recommendations will be brought back to the Board shortly.
- Manager Watkins states that he will be on vacation and will miss the next 2 meetings – which Deputy Manager Roberts will serve in his place for those meetings.
- Manager Watkins commented regarding the approval of the 10 year contract extension with the Eaton County Sheriff's Department, stating that he believes that it has been an excellent agreement and worked well and looks forward to the next 10 years with the Sheriff's department.

#### **XVI. COMMITTEE OF THE WHOLE**

##### **17. Licensing Procedure for Pot Belly Pigs –**

Supervisor Fletcher gave a brief history regarding Nicole Shuilling's request to make text amendments to the ordinance that would allow her to keep her Pot Belly Pig and that it was previously suggested that perhaps the Board should look at licensing.

Discussion ensued amongst the Board. Trustee Fedewa expressed a willingness to explore updating the ordinance to modernize it to fit today's residents.

Treasurer Pizzo stated that the Township needs be conscientious of the future growth of the Township as well as the close proximity in an urban area as well as the potential of opening the ordinance up to many other requests.

Trustee Kosinski stated that he believes in the property owner's right to peaceful existence and that he believes unless it can be demonstrated that this animal violates this that the Board should revisit the issue.

Clerk Clark stated that good public policy is for the good of all and that granting exceptions to that policy makes it difficult to rationalize to the next requestor why one may or may not be granted. Clerk Clark also stated that there are already locations within the Township where livestock can be kept.

Trustee Hicks added that the impetus behind the ordinance (health, safety and welfare) is that when neighborhoods were developed and people moved into homes, they relied on the existing zoning ordinance for setting the rules and changing those rules midstream would be detrimental to those people who had justifiable reliance on what the rules were.

Trustee Kosinski stated he believes there is a need for modernization and if the door is opened he would like to ensure that it is adequately regulated. That most undoubtedly there will be other exceptions sought and that licensing and regulation is one way to accomplish that.

Two individuals who were not Delta Township residents spoke in support of pot belly pigs.

Trustee Hicks clarified that this item is not actionable this evening. Supervisor Fletcher stated that if it is decided to investigate this further, this is only the first of many steps.

Supervisor Fletcher further elaborated that it is also a matter of how is the limit determined for this or any other animal, and how many different types of animals should be allowed in a residential area.

Trustee Fedewa stated that he feels that 3 dogs is too many and there is no limit on cats. That he doesn't believe it would be difficult to change the ordinance.

Supervisor Fletcher stated that there is still not support on the Board at this time to allow pot belly pigs in Delta Township.

## **XVII. PUBLIC COMMENTS –**

Trustee Fedewa returned from Thailand with chopsticks for the Board members.

## **XVIII. ADJOURNMENT**

Supervisor Fletcher adjourned the meeting at 7:22 p.m.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY CLARK, CLERK

/kt  
M:\Regular Board Meeting\BD\MIN\December 2, 2013  
Minutes Approved: